IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 14-cv-304 RB/SMV 09-cr-760 RB

FRANK L. GUTIERREZ,

Defendant.

ORDER

THIS MATTER is before the Court, *sua sponte* under Rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 138] ("Motion"). The Court will direct the United States to answer Defendant's Motion.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion to Vacate, Set Aside, or Correct Sentence and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States shall answer Defendant's Motion to Vacate, Set Aside, or Correct Sentence.

IT IS SO ORDERED.

STEPHAN M. VIDMAR United States Magistrate Judge